THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.19122 of 2007

Between:

Medasani Nagaratnam.

.. PETITIONER

and

The Tahasildar, Nuziveed Mandal and others.

.. RESPONDENTS

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ORDER:

It is the case of the petitioner that she purchased dry land to an extent of Ac.2-11 cents in R.S.No.1/1A of Polasanipalli Village, Nuziveed Mandal, Krishna District, through a registered Sale Deed on 31-01-2005 and she has been in continuous possession and enjoyment of the said land. While so, the 1st respondent issued notice in Rc.No.119 of 2007, dated 25-05-2007, stating that the said land was originally assigned in favour of one Madasani Devudu and the transfer of the said land is in contravention of Section 3 of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act") and therefore, the petitioner was asked to submit explanation within 15 days from 25-05-2007. In fact, the said notice has not all been served on the petitioner and without mentioning about service of notice on the petitioner, the impugned order, dated 10-07-2007, has been passed under Section 4(1)(a) of the Act to take possession of the said land into the custody of the Government. Aggrieved by the said order, the petitioner filed an appeal along with stay application before the 2nd respondent on 12-09-2007.

As the appeal is pending before the 2nd respondent, without expressing any opinion as to the merits of the case, I am of the opinion that it is just and proper to direct the 2nd respondent to consider and dispose of the appeal itself.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the appeal, after giving reasonable opportunity to the petitioner, as expeditiously as possible, in accordance with law. Pending disposal of the appeal, status-quo obtaining as on today with regard to the possession of the land in question shall be maintained. There

shall be no order as to costs.

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14-09-2007

Note:

Issue C.C. in three days

(B/o)

Prv